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Attorneys for Defendants Pedro Valladares Hidalgo and  
PBRB Logistics, LLC

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

D. ANTHONY WASHINGTON,

Plaintiff,

vs.

PEDRO VALLADARES HIDALGO and  
PBRB LOGISTICS, LLC; DOES I-X, and  
ROE CORPORATIONS XI-XX, inclusive,

Defendants.

CASE NO.

**PETITION FOR REMOVAL**

Defendants PEDRO VALLADARES HIDALGO and PBRB LOGISTICS, LLC, by and through their attorneys of record, Bruce W. Kelley, of the law firm, WINNER & BOOZE, submit this Petition for Removal in accordance with 28 U.S.C. §§ 1332, 1441 and 1446. Removal is warranted under 28 U.S.C. § 1332(a)(1) because this is a civil action between citizens of different states and the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs. In support of this Petition for Removal, Defendants state as follows:

1. Plaintiff commenced the above-captioned matter by filing a Complaint in the Eighth Judicial District Court for the State of Nevada, in and for Clark County, on June 28, 2022. The case is identified as Case Number A-22-854692-C (Department XXIX). In accordance with 28 U.S.C. § 1446(a), a copy of the Complaint is attached as *Exhibit A*.
2. Plaintiff served the Complaint on Defendant PEDRO VALLADARES HIDALGO

(herein "HIDALGO") on July 15, 2022, at 7:11 p.m. A copy of the Affidavit of Service is attached as **Exhibit B**.

3. Plaintiff served the Complaint on Defendant PBRB LOGISTICS, LLC (herein "PBRB") on July 15, 2022, at 7:09 p.m. A copy of the Affidavit of Service is attached as **Exhibit C**.
4. There are no matters pending in the State Court Action that require resolution by this court.
5. Because this is a civil action between citizens of different states involving an amount in controversy in excess of \$75,000, exclusive of interest and costs, removal of this matter is proper pursuant to 28 U.S.C. § 1332.
6. This action is one over which the United States District Courts have original jurisdiction by reason of the diversity of citizenship of the parties.
7. Pursuant to 28 U.S.C. § 1446(d), Defendants HIDALGO and PBRB have contemporaneously filed a copy of this Petition for Removal with the clerk of the Eighth Judicial District Court in Clark County, Nevada and has provided a written notice to the plaintiff by serving a copy of the instant Petition for Removal on counsel for the Plaintiff.

#### DIVERSITY OF CITIZENSHIP

8. Plaintiff, as alleged in Paragraph 1 of the Complaint, is a resident of Clark County, Nevada. **Exhibit A** at 1:19-20.
9. Defendant HIDALGO, as alleged in Paragraph 2 of the Complaint, is a resident of Maricopa County, State of Arizona. *Id.* at 1:21-22.
10. Defendant PBRB is an Arizona domestic limited liability corporation licensed to conduct business in Nevada. **Exhibit A** at 1:23-26, **Exhibit D**.
11. The DOE and ROE Defendants in this action have not been identified and are merely nominal parties without relevance to the causes of action. **Exhibit A** at 2:3-21.
12. Complete diversity of citizenship existed between Plaintiff and Defendants at the time Plaintiff filed and served the State Court Action, and complete diversity of citizenship exists at the time of removal.

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AMOUNT IN CONTROVERSY

13. As required by 28 U.S.C. § 1332, the amount in controversy in this matter exceeds \$75,000, exclusive of interest and costs.
14. According to the Complaint, Plaintiff was allegedly injured in an accident on the public streets of Clark County, Nevada, while he was operating a motorcycle and allegedly, HIDALGO negligently operated the 2017 PTRB Semi Truck owned by his employer, PBRB. As a result, Plaintiff allegedly suffered “severe personal injuries.” *Exhibit A* at 2:22-3:8, 3:18.
15. Because of the above-referenced accident, Plaintiff allegedly “incurred expenses for medical care and treatment and will continue to incur expenses for medical care and treatment into the future.” *Id.* at 3:19-21.
16. Plaintiff also alleges that because of the accident, he allegedly “has incurred and may incur in the future loss of income and diminished earning capacity.” *Id.* at 3:22-24.
17. Plaintiff’s Complaint further avers that because of this accident, he purportedly “incurred and will continue to incur pain and suffering and emotional distress, in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00).” *Id.* at 4:1-2.
18. The Complaint also maintains that because of the accident, Plaintiff was “required to obtain [sic] services of an attorney to prosecute this action and are [sic] therefore entitled to reasonable attorney’s fees and costs.” *Id.* at 4:3-4.
19. Plaintiff’s Complaint alleges that he is entitled to “[g]eneral and compensatory damages in an amount in excess of \$15,000.00,” and [d]amages of past, present and future medical care and treatment and costs incidental thereto, according to proof, in an amount in excess of \$15,000.00.” However, the Complaint does not plead a specific amount of damages. *Id.* at 4:9-11.
20. The Complaint also avers that Plaintiff is entitled to loss of earnings, diminished future earning capacity, property damage in an amount to be determined, and “reasonable attorney’s fees.” *Id.* at 4:12-16.
21. There was nothing on the face of Plaintiff’s Complaint that revealed to Defendants “facts



1 necessary for federal court jurisdiction.” See Harris v. Bankers Life & Cas. Co., 425 F.3d  
2 689, 690–91 (9th Cir. 2005) (internal quotations and citations omitted).

3 22. Moreover, at the time Plaintiff served Defendants with the Complaint, Defendants had  
4 not received a “demand packet” or any correspondence from Plaintiff describing his  
5 alleged accident-related injuries and damages, or the medical care and treatment that he  
6 purportedly undertook related to the subject accident. *Exhibit E* at DEF000005-7.

7 23. On August 19, 2022, Plaintiff acknowledged that no “demand packet” or other  
8 correspondence had been sent to Defendants, but one would be forthcoming. *Id.*

9 24. On August 22, 2022, Plaintiff advised that he underwent left upper extremity nerve  
10 conduction tests that were ordered by Dr. Mark Kabins, and that he continues to treat for  
11 his accident-related injuries with Dr. Kabins. *Id.* at DEF000003. Later that same day,  
12 Plaintiff advised that his past medical special damages were \$49,431.00, but with the  
13 neurodiagnostic testing referenced above, Plaintiff advised “the billing is probably over  
14 \$60K.” *Id.* at DEF000001. Plaintiff further advised that he is “suffering from left hand  
15 pins and needles sensations and left lower extremity pain and numbness.” *Id.* He also  
16 maintained that the property damage claim to his motorcycle remains outstanding and is  
17 part of his claim. *Id.*

18 25. On August 25, 2022, Plaintiff provided medical records to Defendant evidencing the past  
19 treatment referenced in his prior correspondence. *Exhibit F.*

20 26. A defendant must remove a case to federal court within 30 days of being served with the  
21 initial complaint or, if the complaint does not provide a basis for jurisdiction, within 30  
22 days of any “amended pleading, motion, order or other paper from which it may first be  
23 ascertained that the case is one which is or has become removable.” 28 U.S.C. § 1441(a).  
24 § 1446(b).

25 27. The Ninth Circuit Court of Appeals has further determined that defendants are not  
26 charged “with notice of removability until they’ve received a paper that gives them  
27 enough information to remove.” Durham v. Lockheed Martin Corp., 445 F.3d 1247, 1251  
28 (9th Cir. 2006); Taylor v. United Rd. Servs., Inc., 313 F. Supp. 3d 1161, 1169 (E.D. Cal.



1 2018).

2 28. As to what constitutes “other paper,” the Ninth Circuit Court of Appeals held that a letter  
3 from the plaintiffs, sent to the defendant to facilitate settlement and which estimated  
4 damages to exceed \$5 million “put [the defendant] on notice as to the amount in  
5 controversy.” Babasa v. LensCrafters, Inc., 498 F.3d 972, 975 (9th Cir.2007). The letter  
6 qualified as “other paper,” and necessitated removal within thirty days. See *Id.*

7 29. Here, Defendants were served on July 15, 2022. At that time, they were unaware of  
8 Plaintiff’s accident-related injuries and damages. Plaintiff’s Complaint provides no  
9 specific information about Plaintiff’s injuries or damages, and it does not allege any  
10 specific information about the amount in controversy.

11 30. On August 22, 2022, Defendants received correspondence from Plaintiff wherein he  
12 provided a description of his injuries and damages. This was the first time Defendants  
13 became aware of Plaintiff’s injuries and damages. This Petition for Removal is being  
14 timely filed within thirty (30) days of the August 22, 2022 correspondence. See *Id.*

15 31. Where a plaintiff has alleged no specific amount of damages, a removing defendant must  
16 prove by a preponderance of the evidence that the amount in controversy exceeds the  
17 jurisdictional minimum. Lowdermilk v. United States Nat’l Assoc., 479 F.3d 994, 998  
18 (9th Cir. 2007); Abrego v. Dow Chemical Co., 443 F.3d 676, 683 (9th Cir. 2007).

19 32. To satisfy the preponderance of the evidence test, a defendant must provide evidence that  
20 “it is more likely than not” that the amount in controversy is greater than \$75,000.  
21 Sanchez v. Monumental Life Ins. Co., 102 F.3d 398, 404 (9th Cir. 1996). The court may  
22 look beyond the complaint to determine whether the amount in controversy is met. See  
23 Abrego, 443 F. 3d at 690.

24 33. According to Plaintiff’s August 22, 2022 correspondence, his past medical special  
25 damages exceed \$60,000. *Exhibit E* at DEF000001. He further stated that he is  
26 continuing to treat with Dr. Mark Kabins due to pins and needles in his left hand and for  
27 left lower extremity pain and numbness. *Id.* Plaintiff’s Complaint alleges he is entitled to  
28 recover his damages related to this past medical care and treatment as well as for any

1 medical care and treatment he may undertake in the future *Exhibit A* at 4:10-11.

2 34. As alleged in the Complaint, Plaintiff allegedly “incurred and will continue to incur pain  
3 and suffering and emotional distress” due to the accident, and he is making a claim for  
4 “[g]eneral and compensatory damages.” *Id.* at 4:1-2, 4:9.

5 35. Additionally, Plaintiff’s August 22<sup>nd</sup> correspondence asserted that his property damage  
6 claim for the damage to his motorcycle remains outstanding, as detailed in his Complaint.  
7 *Exhibit E* at p. 1, *Exhibit A* at 4:14.

8 36. Plaintiff alleges he is entitled to general, compensatory, and special damages consistent  
9 with Rule 8(a) of the Nevada Rules of Civil Procedure. *Exhibit A*.

10 37. Plaintiff also maintains that he is entitled to attorney’s fees.<sup>1</sup> *Id.* Kroske v. U.S. Bank  
11 Corp., 432 F.3d 976, 980 (9<sup>th</sup> Cir. 2006).

12 38. A review of Plaintiff’s Complaint along with Plaintiff’s correspondence dated August 22,  
13 2022, demonstrates that Plaintiff “more likely than not” seeks more than \$75,000,  
14 exclusive of interest and costs.

15 39. Taking the foregoing into consideration, it is more likely than not that Plaintiff seeks  
16 damages in excess of \$75,000.

17 40. Based on the foregoing, Defendants have met their burden of showing that the amount in  
18 controversy more likely than not exceeds the jurisdictional requirement of \$75,000.

19 41. This Petition for Removal is timely as it is being filed within thirty (30) days of receipt of  
20 Plaintiff’s August 22, 2022 correspondence, which was the first time that Defendants  
21 became aware of Plaintiff’s injuries and damages and the care and treatment that Plaintiff  
22 avers is related to the subject accident. See Babasa v. LensCrafters, Inc., 498 F.3d 972,  
23 975 (9<sup>th</sup> Cir. 2007).

#### 24 CONCLUSION

25 42. This Court has original jurisdiction over the subject matter of this action pursuant to 28  
26 U.S.C. § 1332, because there is complete diversity of citizenship between Plaintiff and  
27 Defendants, and because Plaintiff is seeking damages in excess of the \$75,000.

1 Defendants may therefore remove this action to federal court pursuant to 28 U.S.C. §  
2 1441.

3 43. Notice of the filing of this Petition for Removal is being filed and served in the State  
4 Court Action on this day.

5  
6 Dated: September 15, 2022

WINNER & BOOZE

7  
8 

Bruce W. Kelley  
Nevada Bar No. 7331  
Steven D. Broka  
Nevada Bar No. 15510  
1117 South Rancho Drive  
Las Vegas, Nevada 89102  
Attorneys for Defendants PEDRO  
VALLADARES HIDALGO and PBRB  
LOGISTICS, LLC

WINNER & BOOZE  
A NEVADA LAW FIRM

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28 \_\_\_\_\_ (Cont.)

<sup>1</sup> F.R.C.P. 54 permits the recovery of attorney's fees by the prevailing party.



**CERTIFICATE OF SERVICE**

I certify that on this 15<sup>th</sup> day of September, 2022, the foregoing **PETITION FOR REMOVAL** was served on the following by ☒ Electronic Service pursuant to NEFR 9 [ ] Electronic Filing and Service pursuant to NEFR 9 [ ] hand delivery [ ] overnight delivery [ ] fax [ ] fax and mail ☒ mailing by depositing with the U.S. mail in Las Vegas, Nevada, enclosed in a sealed envelope with first class postage prepaid, addressed as follows:

**PLAINTIFF'S COUNSEL**

Bill McGaha, Esq.  
SCHUETZE, MCGAHA, TURNER & FERRIS  
601 South Rancho Drive, Suite C-20  
Las Vegas, NV 89106  
(702) 369-3225  
(702) 369-2110-fax  
[bmcgaha@smlvlaw.net](mailto:bmcgaha@smlvlaw.net)

/s/ Brittney Blankenbeckler  
An employee of WINNER & BOOZE

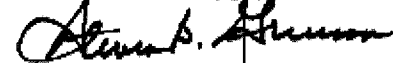
***Exhibits***

<i><b>Exhibit</b></i>	<i><b>Document or Description</b></i>
<i><b>Exhibit A</b></i>	Plaintiff's Complaint
<i><b>Exhibit B</b></i>	Proof of Service and Summons for Pedro Valladares Hidalgo
<i><b>Exhibit C</b></i>	Proof of Service and Summons for PBRB Logistics, LLC
<i><b>Exhibit D</b></i>	Entity Information from the Arizona Corporation Commission for PBRB Logistics, LLC
<i><b>Exhibit E</b></i>	Email Correspondence between Bruce W. Kelley, Esq., and William McGaha, Esq.
<i><b>Exhibit F</b></i>	Email Correspondence between Bruce W. Kelley, Esq., and William McGaha, Esq.
<i><b>Exhibit G</b></i>	Civil Cover Sheet

# EXHIBIT A



Electronically Filed  
6/28/2022 12:02 PM  
Steven D. Grierson  
CLERK OF THE COURT



**WILLIAM W. McGAHA, ESQ.**

Nevada Bar #3234

**SCHUETZE, McGAHA, TURNER & FERRIS PLLC.**

601 S. Rancho Drive, Suite C-20

Las Vegas, Nevada 89106

(702) 369-3225 Telephone

(702) 369-2110 Facsimile

[www@smlvlaw.net](mailto:www@smlvlaw.net)

CASE NO: A-22-854692-C

Department 29

Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

D. ANTHONY WASHINGTON,

Plaintiff,

vs.

PEDRO VALLADARES HIDALGO and  
PBRB LOGISTICS, LLC; DOES I – X, and  
ROE CORPORATIONS XI – XX, inclusive,

Defendants.

CASE NO:  
DEPT NO:

**COMPLAINT**

**COMES NOW** Plaintiff, D. ANTHONY WASHINGTON, by and through his attorney, **WILLIAM W. McGAHA, ESQ.** of the law firm **SCHUETZE, McGAHA, TURNER & FERRIS, PLLC**, complains of Defendants, and each of them, and allege as follows:

1. At all times mentioned herein, Plaintiff D. ANTHONY WASHINGTON, was a resident of the County of Clark, State of Nevada.

2. At all times mentioned herein, Defendant, PEDRO VALLADARES HIDALGO, (Hereinafter referred to as HIDALGO) was and is a resident of Maricopa County, State of Arizona.

3. At all times mentioned herein, Defendant, PBRB LOGISTICS, LLC, was and is a foreign Limited Liability Corporation and is duly licensed to do business and is engaged in the business of transporting goods for sale in the County of Clark, State of Nevada.

4. This Court has jurisdiction in this matter, and venue is proper, in that the Complaint

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1 arises from Plaintiff's claims alleged in his Complaint that concern alleged incidents and injuries  
2 occurring in Clark County, Nevada.

3           5. That the true names and capacities, whether individual, corporate, associate, co-  
4 partnership, associate or otherwise of Defendant DOES I-X, are unknown to Plaintiff, who  
5 therefore sues said Defendants by such fictitious names. Plaintiff is informed, believes and thereon  
6 alleges that each Defendant designated DOE is responsible in some manner for the offense and  
7 happenings referred to in this action and proximately caused the damages to Plaintiff as herein  
8 alleged. The legal responsibility of said DOES I-X, arises out of, but is not limited to, their status  
9 as owners and/or family members, as is their maintenance and/or entrustment of the vehicle which  
10 Defendant was operating at the time of the accident referred to in this Complaint, and/or their  
11 agency, master/servant or joint venturer relationship with said Defendants. DOES I and II are the  
12 legal owners of the vehicle and negligently entrusted the vehicle to Defendant. DOES III and IV  
13 are the spouse and other resident relatives of Defendant, who are liable under the "family purpose  
14 doctrine" in NRS 41.440. DOE V is the employer of Defendant, and is liable for the actions of  
15 Defendant, herein committed while in the course and scope of employment. DOE VI is the actual,  
16 legal, proper name of the Defendant otherwise identified as PBRB LOGISTICS, LLC herein. DOE  
17 VII is the actual legal proper name of the Defendant who owned the vehicle being driven by  
18 Defendant, PBRB LOGISTICS, LLC. Plaintiff will request leave of Court to amend this  
19 Complaint to insert the true names and capacities of said Defendants when the same have been  
20 ascertained, to join such Defendants in this action and to assert the appropriate allegations.  
21

22           6. That on or about September 23, 2021, Plaintiff D. ANTHONY WASHINGTON  
23 was the operator of a 2006 Yamaha YZFR1 C Motorcycle, traveling eastbound on Dodd Street, at  
24 or near its intersection with Hamilton Avenue in Las Vegas, Clark County, Nevada.

25           7. At the same date and time listed above, Defendant PEDRO VALLADARES  
26 HIDALGO was the operator of a 2017 PTRB Semi Truck owned by PBRB LOGISTICS, LLC,  
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1 traveling northbound on Hamilton Avenue from a stop sign at its intersection with Dodd Street in  
2 Las Vegas, Clark County Nevada.

3 8. Defendant HIDALGO, while operating the above-described vehicle, violated the  
4 motor vehicle laws of Nevada by failing to yield the right-of-way and failure to use due care and  
5 thereby causing the resulting collision. These violations of motor vehicle safety laws caused  
6 injuries and damages to the Plaintiff. As such, Defendants, and each of them, are negligent per se.

7 9. Defendant PBRB LOGISTICS, LLC. was the employer of Defendant HIDALGO.  
8 That Defendant was working for and on behalf of Defendant PBRB LOGISTICS, LLC. at the time  
9 of the accident described herein. That based upon the employer/employee relationship, respondent  
10 superior, Defendant PBRB LOGISTICS, LLC is liable to the Plaintiff. That to the extend  
11 Defendant PBRB LOGISTICS, LLC., INC. or Defendant HIDALGO consider the business  
12 relationship to be anything other than employer/employee, then Plaintiff alleges that Defendants  
13 are jointly and severally liable as joint venturers and under an agency relationship. Therefore,  
14 Defendant PBRB LOGISTICS, LLC. is liable for the acts of Defendant HIDALGO and the  
15 damages negligently caused by the acts of Defendant HIDALGO.

16 10. As a direct result of the above-mentioned negligence of the Defendants, and each  
17 of them, Plaintiff suffered severe personal injuries.

18 11. As a further direct and proximate result of Defendants' negligence, Plaintiff  
19 incurred expenses for medical care and treatment and will continue to incur expenses for medical  
20 care and treatment into the future.

21 12. That as a further direct and proximate result of the negligence, carelessness and  
22 recklessness of Defendants, and each of them, Plaintiff has incurred and may incur in the future,  
23 loss of income and diminished earning capacity.

24 13. That as a further direct and proximate result of the negligence, carelessness, and  
25 recklessness of Defendants, and each of them, Plaintiff has incurred Property Damage.

26 14. As a further direct and proximate result of Defendant's negligence, Plaintiff  
27  
28



1 incurred and will continue to incur pain and suffering and emotional distress, in an amount in  
2 excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00).

3 15. Plaintiff has been required to obtain services of an attorney to prosecute this action,  
4 and are therefore entitled to reasonable attorney's fees and costs.

5 **WHEREFORE**, Plaintiff expressly reserves the right to amend this Complaint at the time  
6 of the trial of the action herein to include all items of damage not yet ascertained, and demand  
7 judgment against Defendants, and each of them as follows:

- 8
- 9 1. General and compensatory damages in an amount in excess of \$15,000.00;
  - 10 2. Damages of past, present and future medical care and treatment and costs incidental  
11 thereto, according to proof, in an amount in excess of \$15,000.00;
  - 12 3. Loss of earnings and diminished future earning capacity when the same has been  
13 fully ascertained.
  - 14 4. Property damage in an amount to be determined.
  - 15 5. Reasonable attorney's fees, costs of suit incurred herein, and interest; and
  - 16 6. For such other and further relief as this Court deems proper.

17 **DATED** this 22<sup>nd</sup> day of June 2022.

18 **SCHUETZE, McGAHA, TURNER**  
19 **& FERRIS, PLLC**

20 By: /s/William W. McGaha

21 **WILLIAM W. McGAHA, ESQ.**  
22 Nevada Bar #3234  
23 601 S. Rancho Drive, Suite C-20  
24 Las Vegas, Nevada 89106  
25 Attorneys for Plaintiff  
26  
27  
28

# EXHIBIT B

Electronically Issued  
6/28/2022 12:02 PMElectronically Filed  
7/19/2022 2:35 PM  
Steven D. Grierson  
CLERK OF THE COURT

1 **WILLIAM W. McGAHA, ESQ.**  
 Nevada Bar #3234  
 2 **SCHUETZE, McGAHA, TURNER & FERRIS PLLC.**  
 601 S. Rancho Drive, Suite C-20  
 3 Las Vegas, Nevada 89106  
 (702) 369-3225 Telephone  
 4 (702) 369-2110 Facsimile  
[wwm@smlvlaw.net](mailto:wwm@smlvlaw.net)

5 Attorneys for Plaintiff

6  
 7 DISTRICT COURT  
 8 CLARK COUNTY, NEVADA

9 D. ANTHONY WASHINGTON,

10 Plaintiff,

11 vs.

12 PEDRO VALLADARES HIDALGO and  
 13 PBRB LOGISTICS, LLC; DOES I – X, and  
 ROE CORPORATIONS XI – XX, inclusive,

14 Defendants.

CASE NO: CASE NO: A-22-854692-C  
 DEPT NO: Department 29

**SUMMONS**

15  
 16 **NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST**  
 17 **YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 21 DAYS.**  
 18 **READ THE INFORMATION BELOW.**

19 **TO THE DEFENDANT:** A civil Complaint has been filed by the plaintiff against you for the  
 20 relief set forth in the Complaint.

21 **PBRB LOGISTICS, LLC**  
**c/o Pedro Valadares Hidalgo**  
 7102 W. Carol Avenue  
 Peoria, AZ 85345

22  
 23 1. If you intend to defend this lawsuit, within 21 days after this Summons is served  
 24 on you exclusive of the day of service, you must do the following:

25 a. File with the Clerk of this Court, whose address is shown below, a formal  
 26 written response to the Complaint in accordance with the rules of the Court.

27 b. Serve a copy of your response upon the attorney whose name and address  
 28 is shown below.



2. Unless you respond, your default will be entered upon application of the plaintiff and this Court may enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.

3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators, each have 45 days after service of this Summons within which to file an answer or other responsive pleading to the Complaint.

Issued at the direction of:

*William W. McGaha*

WILLIAM W. McGAHA, ESQ.  
Nevada Bar #3234  
SCHUETZE McGAHA TURNER & FERRIS  
601 S. Rancho Drive, Suite C-20  
Las Vegas, Nevada 89106  
Attorneys for Plaintiff  
(702) 369-3225

CLERK OF COURT

*Patricia Azucena*

DEPUTY CLERK

Date

County Courthouse

200 Lewis Avenue

Las Vegas, Nevada 89155

Patricia Azucena-Preza

29th day of June, 2022

**NOTE:** When service is by publication, add a brief statement of the object of the action. See Rules of Civil Procedure, Rule 4(b).



DISTRICT COURT  
CLARK COUNTY, NEVADA

D ANTHONY WASHINGTON  
Plaintiff,

vs.

PEDRO VALLADARES HIDALGO, et al.  
Defendant,

Case No.: A-22-854692-C

PROOF OF SERVICE

Came to hand on 7/12/2022 at 12:05 PM a true copy of the below referenced documents.

The undersigned is over the age of 18 years and not a party to the action. The undersigned is qualified and appointed under ARCP §4(d) & §4(e) to serve legal process within the State of Arizona.

SERVED On 7/15/2022 at 7:11 PM, the undersigned served copies of:  
**SUMMONS; COMPLAINT**

Upon: PEDRO VALLADARES HIDALGO  
At: 7102 W CAROL AVE, PEORIA, AZ 85345

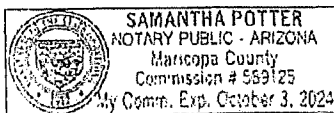
In the following manner:

PERSONAL SERVICE ON AN INDIVIDUAL per ARCP Rule 4.1(d)

Description:

Gender: Male      Race/Skin: Hispanic      Age: 45 - 50 Yrs      Weight: Over 200 Lbs.      Height: 5'7" - 5'9"      Hair: Bald  
Glasses: No      Other:

I declare under penalty of perjury under the laws of the State of Arizona that the foregoing information contained in the Proof of Service is true and correct. [ARCP Rule 80(c)]



State of Arizona County of Maricopa Subscribed

and sworn or affirmed before me on

(Date): 7/18/22

Notary Public Signature: Samantha Potter

Client File #:

Samantha Potter




SIGNED, [Signature]

LORI YOUNG,

Job Number: 35321

Private Process Server ID # 8314,  
MARICOPA County

# EXHIBIT C

Electronically Issued  
6/28/2022 12:02 PMElectronically Filed  
7/19/2022 2:35 PM  
Steven D. Grierson  
CLERK OF THE COURT**WILLIAM W. McGAHA, ESQ.**

Nevada Bar #3234

**SCHUETZE, McGAHA, TURNER & FERRIS PLLC.**

601 S. Rancho Drive, Suite C-20

Las Vegas, Nevada 89106

(702) 369-3225 Telephone

(702) 369-2110 Facsimile

[wwm@smlvlaw.net](mailto:wwm@smlvlaw.net)

Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

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Plaintiff,

vs.

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Defendants.

CASE NO: CASE NO: A-22-854692-C  
DEPT NO: Department 29**SUMMONS**

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST  
YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 21 DAYS.  
READ THE INFORMATION BELOW.**

**TO THE DEFENDANT:** A civil Complaint has been filed by the plaintiff against you for the relief set forth in the Complaint.

**PBRB LOGISTICS, LLC**  
**c/o Pedro Valadares Hidalgo**  
7102 W. Carol Avenue  
Peoria, AZ 85345

1. If you intend to defend this lawsuit, within 21 days after this Summons is served on you exclusive of the day of service, you must do the following:

a. File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court.

b. Serve a copy of your response upon the attorney whose name and address is shown below.

2. Unless you respond, your default will be entered upon application of the plaintiff and this Court may enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.

3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators, each have 45 days after service of this Summons within which to file an answer or other responsive pleading to the Complaint.

Issued at the direction of:

*William W. McGaha*

WILLIAM W. McGAHA, ESQ.  
Nevada Bar #3234  
SCHUETZE McGAHA TURNER & FERRIS  
601 S. Rancho Drive, Suite C-20  
Las Vegas, Nevada 89106  
Attorneys for Plaintiff  
(702) 369-3225

CLERK OF COURT

*Patricia Azucena*

DEPUTY CLERK

Date

County Courthouse

200 Lewis Avenue

29th day of June, 2022

Las Vegas, Nevada 89155

Patricia Azucena-Preza

**NOTE:** When service is by publication, add a brief statement of the object of the action. See Rules of Civil Procedure, Rule 4(b).





**DISTRICT COURT  
CLARK COUNTY, NEVADA**

D ANTHONY WASHINGTON  
Plaintiff.

vs.

PEDRO VALLADARES HIDALGO, et al.  
Defendant,

Case No.: A-22-854692-C

**PROOF OF SERVICE**

Came to hand on 7/12/2022 at 11:54 AM a true copy of the below referenced documents.

The undersigned is over the age of 18 years and not a party to the action. The undersigned is qualified and appointed under ARCP §4(d) & §4(e) to serve legal process within the State of Arizona.

SERVED On 7/15/2022 at 7:09 PM, the undersigned served copies of:  
**SUMMONS; COMPLAINT**

Upon: **PBRB LOGISTICS, LLC**  
At: **7102 W CAROL AVE, PEORIA, AZ 85345**

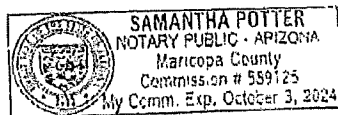
In the following manner:

**CORPORATE, BUSINESS OR GOVERNMENT SERVICE** by leaving a copy of the legal process with:  
PEDRO VALLADARES HIDALGO Title: STATUTORY AGENT, a person authorized by appointment or by law to accept service and informing that person of the contents thereof.

Description:

Gender: Male Race/Skin: Hispanic Age: 45 - 50 Yrs Weight: Over 200 Lbs. Height: 5'7" - 5'9' Hair: Bald  
Glasses: No Other:

I declare under penalty of perjury under the laws of the State of Arizona that the foregoing information contained in the Proof of Service is true and correct. [ARCP Rule 80(c)]



State of Arizona County of Maricopa Subscribed

and sworn or affirmed before me on

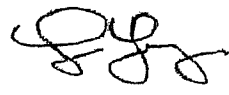
(Date): 7/18/22

Notary Public Signature: Samantha Potter

Client File #:

Samantha Potter



SIGNED, 

LORI YOUNG.

Job Number: 35320

Private Process Server ID # 8314,  
MARICOPA County

# EXHIBIT D



ACC

Search for an Entity Name



eCorp

Search

File

FAQ

## ENTITY INFORMATION

Search Date and Time: 8/23/2022 8:36:32 AM

## Entity Details

Entity Name:	PBRB LOGISTICS LLC	Entity ID:	L22868762
Entity Type:	Domestic LLC	Entity Status:	Active
Formation Date:	5/11/2018	Reason for Status:	In Good Standing
Approval Date:	6/18/2018	Status Date:	5/11/2018
Original Incorporation Date:	5/11/2018	Life Period:	Perpetual
Business Type:		Last Annual Report Filed:	
Domicile State:	Arizona	Annual Report Due Date:	
		Years Due:	
Original Publish Date:			

## Statutory Agent Information

Name:	PEDRO O VALLADARES HIDALGO	Appointed Status:	Active 5/11/2018
Attention:			
Address:	7102 W Carol Ave, PEORIA, AZ 85345, USA		
Agent Last Updated:	12/9/2020	E-mail:	
Attention:		Mailing Address:	7102 W Carol Ave, PEORIA, AZ 85345, USA
County:	Maricopa		

## Principal Information

Title	Name	Attention	Address	Date of Taking Office	Last Updated
Member	PEDRO O VALLADARES HIDALGO		11039 N 87TH AVE APT #1016, PEORIA, AZ, 85345, Maricopa County, USA		6/18/2018

Page 1 of 1, records 1 to 1 of 1

## Address

Attention:	Address: 7102 W Carol Ave, PEORIA, AZ, 85345, USA	County:	Maricopa	Last Updated: 12/9/2020
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## Entity Principal Office Address

Attention:	Address:	County:	Last Updated:
------------	----------	---------	---------------

Back

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Document History

Name/Restructuring History

Pending Documents

Microfilm History

8/23/22, 8:08 PM

Arizona Corporation Commission

**ENTITY INFORMATION****Search Date and Time: 8/23/2022 8:08:51 PM****Entity Details**

PBRB LOGISTICS LLC

**Entity Name:**

L22868762

**Entity ID:**

Domestic LLC

**Entity Type:****Active****Entity Status:**

5/11/2018

**Formation Date:**

In Good Standing

**Reason for Status:**

6/18/2018

**Approval Date:**

5/11/2018

**Status Date:**

5/11/2018

**Original Incorporation Date:**

Perpetual

**Life Period:****Business Type:****Last Annual Report Filed:****Domicile State:**

Arizona

**Annual Report Due Date:****Years Due:****Original Publish Date:**Privacy Policy (<http://azcc.gov/privacy-policy>) | Contact Us (<http://azcc.gov/corporations/corporation-contacts>)

8/23/22, 8:08 PM

Arizona Corporation Commission

**Statutory Agent Information****Name:**

PEDRO O VALLADARES HIDALGO

**Appointed Status:**

Active 5/11/2018

**Attention:****Address:**

7102 W Carol Ave, PEORIA, AZ 85345, USA

**Agent Last Updated:**

12/9/2020

**E-mail:****Attention:****Mailing Address:**

7102 W Carol Ave, PEORIA, AZ 85345, USA

**County:**

Maricopa

**Principal Information**

Title	Name	Attention	Address	Date of Taking Office	Last Updated
Member	PEDRO O VALLADARES HIDALGO		11039 N 87TH AVE APT #1016, PEORIA, AZ, 85345, Maricopa County, USA		6/18/2018

Page 1 of 1, records 1 to 1 of 1

**Address** **Attention:****Address:** 7102 W Carol Ave, PEORIA, AZ, 85345, USA**County:** Maricopa**Last Updated:** 12/9/2020Privacy Policy (<http://azcc.gov/privacy-policy>) | Contact Us (<http://azcc.gov/corporations/corporation-contacts>)



# EXHIBIT E

**From:** [Bruce W. Kelley](#)  
**To:** [Steven Broka](#)  
**Subject:** FW: Washington v. New Alliance  
**Date:** Monday, August 22, 2022 4:22:44 PM  
**Attachments:** [image001.png](#)

---



**Brittney Blankenbeckler**

Paralegal to Partner Bruce William Kelley  
1117 South Rancho Drive  
Las Vegas, NV 89102  
PHONE (702) 243-7000 | FAX (702) 243-7059  
[bblankenbeckler@winnerfirm.com](mailto:bblankenbeckler@winnerfirm.com)  
[www.winnerfirm.com](http://www.winnerfirm.com)

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---

**From:** Bill McGaha <bmcgaha@smlvlaw.net>  
**Sent:** Monday, August 22, 2022 3:55 PM  
**To:** Bruce W. Kelley <bkelley@winnerfirm.com>; Pete Mendoza <petem@newallianceins.net>; Pedro Montufar <pmontufar@littletongroup.com>  
**Cc:** Brittney Blankenbeckler <bblankenbeckler@winnerfirm.com>; Myriam A. Alvarado <malvarado@winnerfirm.com>; Donna Brand <dbrand@smlvlaw.net>  
**Subject:** Re: Washington v. New Alliance

Bruce:

I have \$49,531 in medicals we are claiming at this time. That does not include the neurodiagnostic testing which was done last month. So, the billing is probably over \$60k. My client is suffering from left hand pins and needles sensations and left lower extremity pain and numbness. If you petition to remove I won't take a position since I prefer federal court. This week I will PDF over to you copies of meds and bills so you can start to evaluate the case for your client. You can then send me authorizations. I don't see a wage or earning capacity issue here at this time so that is not on the table as far as I know. Property damage is still outstanding and is a claim also, that will add to the bottom line value.

Kindest Regards,  
Bill

William W. McGaha, Esq.  
**Legalride, L.L.C.**  
**Schuetze, McGaha, Turner & Ferris, P.L.L.C.**  
601 South Rancho Drive, Suite C-20  
Las Vegas, Nevada 89106

DEF000001

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---

**From:** Bruce W. Kelley <[bkelley@winnerfirm.com](mailto:bkelley@winnerfirm.com)>  
**Sent:** Monday, August 22, 2022 3:07:55 PM  
**To:** Bill McGaha <[bmcgaha@smlvlaw.net](mailto:bmcgaha@smlvlaw.net)>; Pete Mendoza <[petem@newallianceins.net](mailto:petem@newallianceins.net)>; Pedro Montufar <[pmontufar@littletongroup.com](mailto:pmontufar@littletongroup.com)>  
**Cc:** Brittney Blankenbeckler <[bblankenbeckler@winnerfirm.com](mailto:bblankenbeckler@winnerfirm.com)>; Myriam A. Alvarado <[malvarado@winnerfirm.com](mailto:malvarado@winnerfirm.com)>; Donna Brand <[dbrand@smlvlaw.net](mailto:dbrand@smlvlaw.net)>  
**Subject:** RE: Washington v. New Alliance

Hey Bill, I will look forward to whatever damage package you can send us when you can send it. As you know, right now I have no medical records or bills at all for your client.

I should probably give you a heads up that I am strongly considering removing this case to Federal Court. Right now I cannot as I have no reason to believe the amount of controversy is met. But you may know more than I do. If you believe the amount of controversy is above 75,000 can you let me know and also let me know whether you would stipulate to removal?

Thanks

Bruce



**Bruce William Kelley**

Partner  
1117 South Rancho Drive  
Las Vegas, NV 89102  
PHONE (702) 243-7000 | FAX (702) 243-7059  
[bkelley@winnerfirm.com](mailto:bkelley@winnerfirm.com)  
[www.winnerfirm.com](http://www.winnerfirm.com)

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DEF000002

---

**From:** Bill McGaha <[bmcgaha@smlvlaw.net](mailto:bmcgaha@smlvlaw.net)>  
**Sent:** Monday, August 22, 2022 2:44 PM  
**To:** Bruce W. Kelley <[bkelly@winnerfirm.com](mailto:bkelly@winnerfirm.com)>; Pete Mendoza <[petem@newallianceins.net](mailto:petem@newallianceins.net)>; Pedro Montufar <[pmontufar@littletongroup.com](mailto:pmontufar@littletongroup.com)>  
**Cc:** Brittney Blankenbeckler <[bblankenbeckler@winnerfirm.com](mailto:bblankenbeckler@winnerfirm.com)>; Myriam A. Alvarado <[malvarado@winnerfirm.com](mailto:malvarado@winnerfirm.com)>; Donna Brand <[dbrand@smlvlaw.net](mailto:dbrand@smlvlaw.net)>  
**Subject:** RE: Washington v. New Alliance

Bruce:

Hope you had a great weekend. As an update, my client last month had LUE nerve conduction tests ordered by Dr. Kabins. He has a follow up with Dr. Kabins on September 28<sup>th</sup>. I will have a better idea of the Plaintiff's physical condition after that visit. In the meantime, I look forward to the ECC process and working with you and your office.

Kindest Regards,

William W. McGaha, Esq.  
**Legalride, L.L.C.**  
**Schuetze, McGaha, Turner & Ferris, P.L.L.C.**  
601 South Rancho Drive, Suite C-20  
Las Vegas, Nevada 89106

Phone (702) 369-3225  
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Direct Dial (725) 228-3231  
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**From:** Bruce W. Kelley <[bkelly@winnerfirm.com](mailto:bkelly@winnerfirm.com)>  
**Sent:** Friday, August 19, 2022 10:42 AM  
**To:** Bill McGaha <[bmcgaha@smlvlaw.net](mailto:bmcgaha@smlvlaw.net)>; Pete Mendoza <[petem@newallianceins.net](mailto:petem@newallianceins.net)>; Pedro Montufar <[pmontufar@littletongroup.com](mailto:pmontufar@littletongroup.com)>  
**Cc:** Brittney Blankenbeckler <[bblankenbeckler@winnerfirm.com](mailto:bblankenbeckler@winnerfirm.com)>; Myriam A. Alvarado <[malvarado@winnerfirm.com](mailto:malvarado@winnerfirm.com)>; Donna Brand <[dbrand@smlvlaw.net](mailto:dbrand@smlvlaw.net)>  
**Subject:** RE: Washington v. New Alliance

Works for me sir. I just knew that Pete and Pedro would ask me, so I figured it would be better coming from you.

DEF000003

Once you send over the demand we will make sure they both get it right away.

By the way, if you know, have you served both insureds or just one? In addition, when you get a chance can you send me proof of service so we can get our initial appearance on file?

Thanks and have a good weekend.

**Bruce William Kelley**

Partner

1117 South Rancho Drive

Las Vegas, NV 89102

PHONE (702) 243-7000 | FAX (702) 243-7059

[bkelly@winnerfirm.com](mailto:bkelly@winnerfirm.com)

[www.winnerfirm.com](http://www.winnerfirm.com)

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**From:** Bill McGaha <[bmcgaha@smlvlaw.net](mailto:bmcgaha@smlvlaw.net)>

**Sent:** Friday, August 19, 2022 10:18 AM

**To:** Bruce W. Kelley <[bkelly@winnerfirm.com](mailto:bkelly@winnerfirm.com)>; Pete Mendoza <[petem@newallianceins.net](mailto:petem@newallianceins.net)>; Pedro Montufar <[pmontufar@littletongroup.com](mailto:pmontufar@littletongroup.com)>

**Cc:** Brittney Blankenbeckler <[bblankenbeckler@winnerfirm.com](mailto:bblankenbeckler@winnerfirm.com)>; Myriam A. Alvarado <[malvarado@winnerfirm.com](mailto:malvarado@winnerfirm.com)>; Donna Brand <[dbrand@smlvlaw.net](mailto:dbrand@smlvlaw.net)>

**Subject:** RE: Washington v. New Alliance

Bruce:

So far as I am aware, and I am a later arrival to the case, there have been no discussions but I see no reason why we can't discuss settlement and track that along with litigation. That is why I will be putting a demand out there. I'm always here at my computer working so we can get it done one way or another. Good luck on your home. I totally understand.

Bill

William W. McGaha, Esq.

**Legalride, L.L.C.**

**Schuetze, McGaha, Turner & Ferris, P.L.L.C.**

601 South Rancho Drive, Suite C-20

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**From:** Bruce W. Kelley <[bkelly@winnerfirm.com](mailto:bkelly@winnerfirm.com)>  
**Sent:** Friday, August 19, 2022 10:06 AM  
**To:** Bill McGaha <[bmcgaha@smlvlaw.net](mailto:bmcgaha@smlvlaw.net)>; Pete Mendoza <[petem@newallianceins.net](mailto:petem@newallianceins.net)>; Pedro Montufar <[pmontufar@littletongroup.com](mailto:pmontufar@littletongroup.com)>  
**Cc:** Brittney Blankenbeckler <[bblankenbeckler@winnerfirm.com](mailto:bblankenbeckler@winnerfirm.com)>; Myriam A. Alvarado <[malvarado@winnerfirm.com](mailto:malvarado@winnerfirm.com)>; Donna Brand <[dbrand@smlvlaw.net](mailto:dbrand@smlvlaw.net)>  
**Subject:** RE: Washington v. New Alliance

May I assume that since you have filed and served your complaint that there will be no prelitigation settlement discussions regarding your demand? Not a criticism Bill, just a question that I am sure my carrier will ask me.

Either way I look forward to working with you sir.

Have a great weekend. If you can't get a hold of me in the near future, just call Brittney. I made the mistake of buying a house and it is sucking up all of my time.

Bruce



**Bruce William Kelley**

Partner  
1117 South Rancho Drive  
Las Vegas, NV 89102  
PHONE (702) 243-7000 | FAX (702) 243-7059  
[bkelly@winnerfirm.com](mailto:bkelly@winnerfirm.com)  
[www.winnerfirm.com](http://www.winnerfirm.com)

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**From:** Bill McGaha <[bmcgaha@smlvlaw.net](mailto:bmcgaha@smlvlaw.net)>  
**Sent:** Friday, August 19, 2022 9:58 AM  
**To:** Bruce W. Kelley <[bkelly@winnerfirm.com](mailto:bkelly@winnerfirm.com)>; Pete Mendoza <[petem@newallianceins.net](mailto:petem@newallianceins.net)>; Pedro Montufar <[pmontufar@littletongroup.com](mailto:pmontufar@littletongroup.com)>  
**Cc:** Brittney Blankenbeckler <[bblankenbeckler@winnerfirm.com](mailto:bblankenbeckler@winnerfirm.com)>; Myriam A. Alvarado

DEF000005

<[malvarado@winnerfirm.com](mailto:malvarado@winnerfirm.com)>; Donna Brand <[dbrand@smlvlaw.net](mailto:dbrand@smlvlaw.net)>

**Subject:** RE: Washington v. New Alliance

Bruce:

Hope you are doing well. In following up on your email below, I anticipate providing a demand number next week. I know we effectuated service on I believe July 19<sup>th</sup>. Have a good weekend.

Kindest Regards,  
Bill

William W. McGaha, Esq.  
**Legalride, L.L.C.**  
**Schuetze, McGaha, Turner & Ferris, P.L.L.C.**  
601 South Rancho Drive, Suite C-20  
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---

**From:** Bruce W. Kelley <[bkelley@winnerfirm.com](mailto:bkelley@winnerfirm.com)>

**Sent:** Wednesday, August 3, 2022 9:31 AM

**To:** Bill McGaha <[bmcgaha@smlvlaw.net](mailto:bmcgaha@smlvlaw.net)>; Pete Mendoza <[petem@newallianceins.net](mailto:petem@newallianceins.net)>; Pedro Montufar <[pmontufar@littletongroup.com](mailto:pmontufar@littletongroup.com)>

**Cc:** Brittney Blankenbeckler <[bblankenbeckler@winnerfirm.com](mailto:bblankenbeckler@winnerfirm.com)>; Myriam A. Alvarado <[malvarado@winnerfirm.com](mailto:malvarado@winnerfirm.com)>

**Subject:** Washington v. New Alliance

Hello gentlemen,

Just following up with both sides. I was wondering if there is anything the three of you need me to be doing in the interim. I think when we last corresponded Pete and Pedro were still evaluating the property damage claims made by Bill's client and I think Bill was going to check out whether his client was in a position to make a demand for their personal injuries.

Not trying to rush anyone. Just want to be sure I am not holding up the works.

DEF000006

Brittney, lets follow up again at the end of the month.

Have a good day all.



**Bruce William Kelley**

Partner

1117 South Rancho Drive

Las Vegas, NV 89102

PHONE (702) 243-7000 | FAX (702) 243-7059

[bkelly@winnerfirm.com](mailto:bkelly@winnerfirm.com)

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# EXHIBIT F

**From:** [Bill McGaha](#)  
**To:** [Bruce W. Kelley](#); [Pete Mendoza](#); [Pedro Montufar](#); [Steven Broka](#)  
**Cc:** [Brittney Blankenbeckler](#); [Myriam A. Alvarado](#); [Donna Brand](#)  
**Subject:** Re: Washington v. New Alliance  
**Date:** Thursday, August 25, 2022 10:18:06 AM  
**Attachments:** [image001.png](#)  
[Advanced Orthopedics & Sports-Billing.pdf](#)  
[Advanced Orthopedics & Sports-Records.pdf](#)  
[Lampe Chiropractic-Billing.pdf](#)  
[Lampe Chiropractic-Records.pdf](#)

---

Bruce:

That works for me.

I am sending you a series of emails with PDF copies of bills and records.

Bill

William W. McGaha, Esq.  
**Legalride, L.L.C.**  
**Schuetze, McGaha, Turner & Ferris, P.L.L.C.**  
601 South Rancho Drive, Suite C-20  
Las Vegas, Nevada 89106

Phone (702) 369-3225  
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**From:** Bruce W. Kelley <bkelley@winnerfirm.com>  
**Sent:** Wednesday, August 24, 2022 2:17:01 PM  
**To:** Bill McGaha <bmcgaha@smlvlaw.net>; Pete Mendoza <petem@newallianceins.net>; Pedro Montufar <pmontufar@littletongroup.com>; Steven Broka <sbroka@winnerfirm.com>  
**Cc:** Brittney Blankenbeckler <bblankenbeckler@winnerfirm.com>; Myriam A. Alvarado <malvarado@winnerfirm.com>; Donna Brand <dbrand@smlvlaw.net>  
**Subject:** RE: Washington v. New Alliance

Hello again Bill,

I just wanted to get us all on the same page. As both of us appear to prefer federal court and it will



**From:** [Bill McGaha](#)  
**To:** [Bruce W. Kelley](#); [Pete Mendoza](#); [Pedro Montufar](#); [Steven Broka](#)  
**Cc:** [Brittney Blankenbeckler](#); [Myriam A. Alvarado](#); [Donna Brand](#)  
**Subject:** RE: Washington v. New Alliance  
**Date:** Thursday, August 25, 2022 10:34:13 AM  
**Attachments:** [image001.png](#)  
[Las Vegas Injury Pain Center-Billing.pdf](#)  
[Las Vegas Injury Pain Center-Records.pdf](#)  
[Las Vegas Neuro Ortho & Rehab-Records.pdf](#)  
[LVC Surgery Center-Billing \(SMS\).pdf](#)  
[LVC Surgery Center-Records \(SMS\).pdf](#)  
[LVIPC-Billing.pdf](#)  
[Pueblo Medical Imaging-Billing.pdf](#)  
[Pueblo Medical Imaging-Records.pdf](#)

---

**From:** Bruce W. Kelley <bkelley@winnerfirm.com>  
**Sent:** Wednesday, August 24, 2022 2:17 PM  
**To:** Bill McGaha <bmcgaha@smlvlaw.net>; Pete Mendoza <petem@newallianceins.net>; Pedro Montufar <pmontufar@littletongroup.com>; Steven Broka <sbroka@winnerfirm.com>  
**Cc:** Brittney Blankenbeckler <bblankenbeckler@winnerfirm.com>; Myriam A. Alvarado <malvarado@winnerfirm.com>; Donna Brand <dbrand@smlvlaw.net>  
**Subject:** RE: Washington v. New Alliance

Hello again Bill,

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Please try to get us your demand package as soon as possible. I intend to use that demand package as the basis for my removal, at least as to the amount in controversy issue.

I believe you said we should have it by the end of the week. As such, if it is ok with you, I would like to request an extension for one week after you send us your demand to answer. That will allow me to decide whether we have sufficient information with which to support a removal request. By the way, we will be answering, I see no need for initial motion work.

Conversely, if you need us to answer today, then I will answer in State court by Monday, and we can simply remove it later. But based upon what you have told me about your client's damages, answering in State court seems like a wasted step.

Please let me know if you strenuously disagree.

Thanks

Bruce

**From:** [Bill McGaha](#)  
**To:** [Bruce W. Kelley](#); [Pete Mendoza](#); [Pedro Montufar](#); [Steven Broka](#)  
**Cc:** [Brittney Blankenbeckler](#); [Myriam A. Alvarado](#); [Donna Brand](#)  
**Subject:** RE: Washington v. New Alliance  
**Date:** Thursday, August 25, 2022 10:35:54 AM  
**Attachments:** [image001.png](#)  
[Zen Anesthesia Billing.pdf](#)  
[Zen Anesthesia Records.pdf](#)

---

**From:** Bruce W. Kelley <bkelley@winnerfirm.com>  
**Sent:** Wednesday, August 24, 2022 2:17 PM  
**To:** Bill McGaha <bmcgaha@smlvlaw.net>; Pete Mendoza <petem@newallianceins.net>; Pedro Montufar <pmontufar@littletongroup.com>; Steven Broka <sbroka@winnerfirm.com>  
**Cc:** Brittney Blankenbeckler <bblankenbeckler@winnerfirm.com>; Myriam A. Alvarado <malvarado@winnerfirm.com>; Donna Brand <dbrand@smlvlaw.net>  
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Bruce

**Bruce William Kelley**  
Partner  
1117 South Rancho Drive

# WINNER & BOOZE

A N E V A D A L A W F I R M

Las Vegas, NV 89102  
PHONE (702) 243-7000 | FAX (702) 243-7059  
[bkelly@winnerfirm.com](mailto:bkelly@winnerfirm.com)  
[www.winnerfirm.com](http://www.winnerfirm.com)

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**From:** Bill McGaha <[bmcgaha@smlvlaw.net](mailto:bmcgaha@smlvlaw.net)>  
**Sent:** Monday, August 22, 2022 3:55 PM  
**To:** Bruce W. Kelley <[bkelly@winnerfirm.com](mailto:bkelly@winnerfirm.com)>; Pete Mendoza <[petem@newallianceins.net](mailto:petem@newallianceins.net)>; Pedro Montufar <[pmontufar@littletongroup.com](mailto:pmontufar@littletongroup.com)>  
**Cc:** Brittney Blankenbeckler <[bblankenbeckler@winnerfirm.com](mailto:bblankenbeckler@winnerfirm.com)>; Myriam A. Alvarado <[malvarado@winnerfirm.com](mailto:malvarado@winnerfirm.com)>; Donna Brand <[dbrand@smlvlaw.net](mailto:dbrand@smlvlaw.net)>  
**Subject:** Re: Washington v. New Alliance

Bruce:

I have \$49,531 in medicals we are claiming at this time. That does not include the neurodiagnostic testing which was done last month. So, the billing is probably over \$60k. My client is suffering from left hand pins and needles sensations and left lower extremity pain and numbness. If you petition to remove I won't take a position since I prefer federal court. This week I will PDF over to you copies of meds and bills so you can start to evaluate the case for your client. You can then send me authorizations. I don't see a wage or earning capacity issue here at this time so that is not on the table as far as I know. Property damage is still outstanding and is a claim also, that will add to the bottom line value.

Kindest Regards,  
Bill

William W. McGaha, Esq.  
**Legalride, L.L.C.**  
**Schuetze, McGaha, Turner & Ferris, P.L.L.C.**  
601 South Rancho Drive, Suite C-20  
Las Vegas, Nevada 89106

Phone (702) 369-3225  
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**From:** Bruce W. Kelley <[bkelly@winnerfirm.com](mailto:bkelly@winnerfirm.com)>  
**Sent:** Monday, August 22, 2022 3:07:55 PM  
**To:** Bill McGaha <[bmcgaha@smlvlaw.net](mailto:bmcgaha@smlvlaw.net)>; Pete Mendoza <[petem@newallianceins.net](mailto:petem@newallianceins.net)>; Pedro Montufar <[pmontufar@littletongroup.com](mailto:pmontufar@littletongroup.com)>  
**Cc:** Brittney Blankenbeckler <[bblankenbeckler@winnerfirm.com](mailto:bblankenbeckler@winnerfirm.com)>; Myriam A. Alvarado <[malvarado@winnerfirm.com](mailto:malvarado@winnerfirm.com)>; Donna Brand <[dbrand@smlvlaw.net](mailto:dbrand@smlvlaw.net)>  
**Subject:** RE: Washington v. New Alliance

Hey Bill, I will look forward to whatever damage package you can send us when you can send it. As you know, right now I have no medical records or bills at all for your client.

I should probably give you a heads up that I am strongly considering removing this case to Federal Court. Right now I cannot as I have no reason to believe the amount of controversy is met. But you may know more than I do. If you believe the amount of controversy is above 75,000 can you let me know and also let me know whether you would stipulate to removal?

Thanks

Bruce

**WINNER & BOOZE**  
A N E V A D A L A W F I R M

**Bruce William Kelley**

Partner  
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Las Vegas, NV 89102  
PHONE (702) 243-7000 | FAX (702) 243-7059  
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**From:** Bill McGaha <[bmcgaha@smlvlaw.net](mailto:bmcgaha@smlvlaw.net)>  
**Sent:** Monday, August 22, 2022 2:44 PM  
**To:** Bruce W. Kelley <[bkelly@winnerfirm.com](mailto:bkelly@winnerfirm.com)>; Pete Mendoza <[petem@newallianceins.net](mailto:petem@newallianceins.net)>; Pedro Montufar <[pmontufar@littletongroup.com](mailto:pmontufar@littletongroup.com)>  
**Cc:** Brittney Blankenbeckler <[bblankenbeckler@winnerfirm.com](mailto:bblankenbeckler@winnerfirm.com)>; Myriam A. Alvarado <[malvarado@winnerfirm.com](mailto:malvarado@winnerfirm.com)>; Donna Brand <[dbrand@smlvlaw.net](mailto:dbrand@smlvlaw.net)>  
**Subject:** RE: Washington v. New Alliance



Bruce:

Hope you had a great weekend. As an update, my client last month had LUE nerve conduction tests ordered by Dr. Kabins. He has a follow up with Dr. Kabins on September 28<sup>th</sup>. I will have a better idea of the Plaintiff's physical condition after that visit. In the meantime, I look forward to the ECC process and working with you and your office.

Kindest Regards,

William W. McGaha, Esq.  
**Legalride, L.L.C.**  
**Schuetze, McGaha, Turner & Ferris, P.L.L.C.**  
601 South Rancho Drive, Suite C-20  
Las Vegas, Nevada 89106

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**From:** Bruce W. Kelley <[bkelley@winnerfirm.com](mailto:bkelley@winnerfirm.com)>  
**Sent:** Friday, August 19, 2022 10:42 AM  
**To:** Bill McGaha <[bmcgaha@smlvlaw.net](mailto:bmcgaha@smlvlaw.net)>; Pete Mendoza <[petem@newallianceins.net](mailto:petem@newallianceins.net)>; Pedro Montufar <[pmontufar@littletongroup.com](mailto:pmontufar@littletongroup.com)>  
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**Subject:** RE: Washington v. New Alliance

Works for me sir. I just knew that Pete and Pedro would ask me, so I figured it would be better coming from you.

Once you send over the demand we will make sure they both get it right away.

By the way, if you know, have you served both insureds or just one? In addition, when you get a chance can you send me proof of service so we can get our initial appearance on file?

Thanks and have a good weekend.



**Bruce William Kelley**

Partner

1117 South Rancho Drive

Las Vegas, NV 89102

PHONE (702) 243-7000 | FAX (702) 243-7059

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**From:** Bill McGaha <[bmcgaha@smlvlaw.net](mailto:bmcgaha@smlvlaw.net)>

**Sent:** Friday, August 19, 2022 10:18 AM

**To:** Bruce W. Kelley <[bkelly@winnerfirm.com](mailto:bkelly@winnerfirm.com)>; Pete Mendoza <[petem@newallianceins.net](mailto:petem@newallianceins.net)>; Pedro Montufar <[pmontufar@littletongroup.com](mailto:pmontufar@littletongroup.com)>

**Cc:** Brittney Blankenbeckler <[bblankenbeckler@winnerfirm.com](mailto:bblankenbeckler@winnerfirm.com)>; Myriam A. Alvarado <[malvarado@winnerfirm.com](mailto:malvarado@winnerfirm.com)>; Donna Brand <[dbrand@smlvlaw.net](mailto:dbrand@smlvlaw.net)>

**Subject:** RE: Washington v. New Alliance

Bruce:

So far as I am aware, and I am a later arrival to the case, there have been no discussions but I see no reason why we can't discuss settlement and track that along with litigation. That is why I will be putting a demand out there. I'm always here at my computer working so we can get it done one way or another. Good luck on your home. I totally understand.

Bill

William W. McGaha, Esq.

**Legalride, L.L.C.**

**Schuetze, McGaha, Turner & Ferris, P.L.L.C.**

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Las Vegas, Nevada 89106

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**From:** Bruce W. Kelley <[bkelly@winnerfirm.com](mailto:bkelly@winnerfirm.com)>  
**Sent:** Friday, August 19, 2022 10:06 AM  
**To:** Bill McGaha <[bmcgaha@smlvlaw.net](mailto:bmcgaha@smlvlaw.net)>; Pete Mendoza <[petem@newallianceins.net](mailto:petem@newallianceins.net)>; Pedro Montufar <[pmontufar@littletongroup.com](mailto:pmontufar@littletongroup.com)>  
**Cc:** Brittney Blankenbeckler <[bblankenbeckler@winnerfirm.com](mailto:bblankenbeckler@winnerfirm.com)>; Myriam A. Alvarado <[malvarado@winnerfirm.com](mailto:malvarado@winnerfirm.com)>; Donna Brand <[dbrand@smlvlaw.net](mailto:dbrand@smlvlaw.net)>  
**Subject:** RE: Washington v. New Alliance

May I assume that since you have filed and served your complaint that there will be no prelitigation settlement discussions regarding your demand? Not a criticism Bill, just a question that I am sure my carrier will ask me.

Either way I look forward to working with you sir.

Have a great weekend. If you can't get a hold of me in the near future, just call Brittney. I made the mistake of buying a house and it is sucking up all of my time.

Bruce



**Bruce William Kelley**

Partner  
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Las Vegas, NV 89102  
PHONE (702) 243-7000 | FAX (702) 243-7059  
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**From:** Bill McGaha <[bmcgaha@smlvlaw.net](mailto:bmcgaha@smlvlaw.net)>  
**Sent:** Friday, August 19, 2022 9:58 AM  
**To:** Bruce W. Kelley <[bkelly@winnerfirm.com](mailto:bkelly@winnerfirm.com)>; Pete Mendoza <[petem@newallianceins.net](mailto:petem@newallianceins.net)>; Pedro Montufar <[pmontufar@littletongroup.com](mailto:pmontufar@littletongroup.com)>  
**Cc:** Brittney Blankenbeckler <[bblankenbeckler@winnerfirm.com](mailto:bblankenbeckler@winnerfirm.com)>; Myriam A. Alvarado <[malvarado@winnerfirm.com](mailto:malvarado@winnerfirm.com)>; Donna Brand <[dbrand@smlvlaw.net](mailto:dbrand@smlvlaw.net)>  
**Subject:** RE: Washington v. New Alliance

Bruce:

Hope you are doing well. In following up on your email below, I anticipate providing a demand number next week. I know we effectuated service on I believe July 19<sup>th</sup>. Have a good weekend.

Kindest Regards,

Bill

William W. McGaha, Esq.  
**Legalride, L.L.C.**  
**Schuetze, McGaha, Turner & Ferris, P.L.L.C.**  
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**From:** Bruce W. Kelley <[bkelley@winnerfirm.com](mailto:bkelley@winnerfirm.com)>  
**Sent:** Wednesday, August 3, 2022 9:31 AM  
**To:** Bill McGaha <[bmcgaha@smlvlaw.net](mailto:bmcgaha@smlvlaw.net)>; Pete Mendoza <[petem@newallianceins.net](mailto:petem@newallianceins.net)>; Pedro Montufar <[pmontufar@littletongroup.com](mailto:pmontufar@littletongroup.com)>  
**Cc:** Brittney Blankenbeckler <[bblankenbeckler@winnerfirm.com](mailto:bblankenbeckler@winnerfirm.com)>; Myriam A. Alvarado <[malvarado@winnerfirm.com](mailto:malvarado@winnerfirm.com)>  
**Subject:** Washington v. New Alliance

Hello gentlemen,

Just following up with both sides. I was wondering if there is anything the three of you need me to be doing in the interim. I think when we last corresponded Pete and Pedro were still evaluating the property damage claims made by Bill's client and I think Bill was going to check out whether his client was in a position to make a demand for their personal injuries.

Not trying to rush anyone. Just want to be sure I am not holding up the works.

Brittney, lets follow up again at the end of the month.

Have a good day all.

**WINNER & BOOZE**  
A N E V A D A L A W F I R M

**Bruce William Kelley**

Partner  
1117 South Rancho Drive  
Las Vegas, NV 89102  
PHONE (702) 243-7000 | FAX (702) 243-7059

[bkelly@winnerfirm.com](mailto:bkelly@winnerfirm.com)

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# EXHIBIT G

JS 44 (Rev. 12/07)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

D. ANTHONY WASHINGTON

(b) County of Residence of First Listed Plaintiff Clark County, NV  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

William W. McGaha, Esq., 601 S. Rancho Dr., Suite C-20, Las Vegas, Nevada 89106, (702) 369-3225

**DEFENDANTS**

PEDRO VALLADARES HIDALGO and PBRB LOGISTICS, LLC

County of Residence of First Listed Defendant Maricopa County, AZ  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Bruce W. Kelley, Esq., Winner & Booze, 1117 S. Rancho Drive, Las Vegas, NV 89102, (702) 243-7000

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                                       |                                       |   |                            |                                       |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
|   | PTF                                   | DEF                                   |   | PTF                        | DEF                                   |
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1            | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 630 Liquor Laws	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input checked="" type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<b>LABOR</b>	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract			<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
			<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<b>IMMIGRATION</b>	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<b>Habeas Corpus:</b>	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee		<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 465 Other Immigration Actions		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other			<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights			
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition			

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 USC 1332 and 28 USC 1441

Brief description of cause:  
Personal injury

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

09/15/2022

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44****Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

**V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

**VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.**

Example: U.S. Civil Statute: 47 USC 553  
Brief Description: Unauthorized reception of cable service

**VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.